



600-1-081CONCIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Daniel Hawiger et al.  
SERIAL NO: 09/925,284 EXAMINER : R. Schwadron  
FILED: August 9, 2001 ART UNIT: 1645  
FOR: ENHANCED ANTIGEN DELIVERY AND MODULATION OF THE  
IMMUNE RESPONSE THEREFROM

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on July 23, 2004.

Veronica Mallon  
Name of Person Depositing Mail)

*Veronica Mallon* 7/23/04  
(Signature and Date)

RESPONSE TO NOTICE TO COMPLY

MAIL STOP SEQUENCE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Dear Sir:

Responsive to the Notice to Comply, dated July 19, 2004, Applicants herewith submit the following in accordance with 37 C.F.R. 1.821-1.825:

1. A paper copy of a Substitute Sequence Listing for insertion into the application as filed.
2. A copy of the Substitute Sequence Listing in computer readable form (ASCII text), submitted on a 3½" floppy disk compatible with IBM format.

3. A Statement in Support of the Filing/Submission of a Nucleotide/Amino Acid Sequence Listing in Accordance with 37 C.F.R. §1.821-1.825.
4. An Amendment requesting entry of the Substitute Sequence Listing into the specification.
5. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

Applicants request favorable consideration and entry of the Substitute Sequence Listing submitted herewith and further and favorable processing of the present Application.

No fees are believed to be necessitated by the foregoing amendments. However, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

Respectfully submitted,



Veronica Mallon, Ph.D.  
Agent for Applicant(s)  
Registration No. 52,491

KLAUBER & JACKSON  
411 Hackensack Avenue  
Hackensack, NJ 07601  
(201) 487-5800

July 23, 2004



## Notice to Comply

Application No.  
09/925284

Applicant(s)  
Hawiger et al.

Examiner  
Ron Schwadron,  
Ph.D.

Art Unit  
1644

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: see enclosed communication

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,284	08/09/2001	Daniel Hawiger	600-1-081 CON/CIP	2660

23565 7590 07/19/2004

KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK, NJ 07601



EXAMINER

SCHWADRON, RONALD B

ART UNIT PAPER NUMBER

1644

DATE MAILED: 07/19/2004

*Due 8/19/04*  
*DDO 12/19/04*

Please find below and/or attached an Office communication concerning this application or proceeding.

JUL 26 2004

DOCKETED CFI



## UNITED STATES DEPARTMENT OF COMMERCE

## U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

200407

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents


This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

37 CFR 1.822 (c)(5) discloses that "A nucleotide sequence shall be presented, only by a single strand, in the 5 to 3 direction, from left to right".

Sequences SEQ. ID. Numbers 2,5,6 (as per disclosed in the specification, page 30) are presented in the 3' to 5' direction in the sequence listing. Said sequences need to be presented in the sequence listing in the 5' to 3' direction, with an indication in the appropriate section of the sequence listing that said sequences are antisense.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Ron Schwadron, Ph.D.  
Primary Examiner  
Art Unit 1644  
571 272 0851

  
RONALD B. SCHWADRON  
PRIMARY EXAMINER  
GROUP 1800-1600